

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The rejection of claims 1, 3-6, 10-12, and 38-40 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 5,373,678 to Hesser et al. ("Hesser") in view of U.S. Patent No. 4,711,682 to Barbe et al. ("Barbe") is respectfully traversed.

Hesser discloses a structural wall apparatus including a plurality of building panels disposed in edge to edge relationship and a plurality of panel connecting fasteners attaching the panels together. Each panel has outer and inner metal skins spaced by an intermediate insulating core and has at least one interlocking edge. The interlocking edge of each panel has a metal lined tongue and a metal lined groove shaped for each metal tongue to fit into opposing grooves on abutting panels for interlocking the panels together. Each panel has an elongated reinforcing member positioned adjacent the interlocking edge of the panel and having a channel formed therein shaped to fit around the metal lined groove portion and having a skin attaching flange on one side for attaching the reinforcing member to the metal skin and a strengthening flange portion on the other side of the metal lined groove. The panel connecting fasteners attaches the panels together by having one elongated fastener passing through the panel skin and through the elongated reinforcing member skin attaching flange and through the reinforcing member channel and through the metal lined groove and the metal lined tongue of the second panel and through the elongated reinforcing member strengthening flange on the other side of the metal lined groove to provide greater strength to the connecting edges of the attached panels. Additional fasteners attach the panels to a frame and also attach the elongated reinforcing member to the metal skin of a panel.

Barbe discloses an applicator device for applying wallpaper on flat surfaces including an elongated casing defining a cross-sectionally polygonal structure. The device is used for single-handedly applying the sticky face of a wallpaper on a flat surface in a single continuous stroke.

Claim 1 of the present application, as well as dependent claims 3-6 and 10-11, is directed to a "building panel of sandwich construction comprising a core and spaced metal sheets fixed to opposite major faces of said core, said core including opposite end edges which extend between said opposite major faces thereof, said panel having opposite major surfaces and opposite longitudinal edge regions . . . wherein at least one of said metal sheets

has a paper covering bonded thereto so that said metal sheet forms one of the major surfaces of the panel, wherein the paper covering provides a surface characteristic that enables said major surfaces of the panel to be finished to appear continuous by using finishing techniques, wherein the panel is configured such that the major surfaces of the interconnected panels incorporating the paper covering are aligned and in substantially abutting relationship to form a continuous surface, wherein said finishing techniques are applied to the major surfaces of the interconnected panels.” Claim 38 of the present application, as well as dependent claim 39, is directed to a “building panel comprising a metal sheet substrate and a paper covering bonded to said substrate, wherein said paper covered metal sheet forms a major surface of the panel with the paper covering providing a surface characteristic to that major surface that is structured to be finished using conventional finishing techniques, and wherein said metal sheet includes opposite edges which are shaped to form edge regions of the panel, each edge region being formed to include a connecting element which extends along that edge region and which allows for interconnection of the panel with another panel, and wherein when interconnected, the major surfaces of the interconnected panels are aligned and in substantially abutting relationship to enable a continuous surface to be obtained on applying the conventional finishing techniques to the paper covered major surfaces of the interconnected panels.”

Hesser does not teach or suggest a building panel that has metal sheets having a “paper covering” bonded to the metal sheets, as required by the claims of the present application. While acknowledging on page 3 of the outstanding office action that Hesser does not disclose a “paper covering,” the U.S. Patent and Trademark Office (“PTO”) cites Barbe for teaching applying a paper covering on flat surfaces. However, nowhere in Barbe is there any disclosure of a paper covering bonded to metal sheets. Barbe only discusses that wallpaper can be applied on a flat surface with the disclosed applicator device and does not in any way teach metal sheets having a paper covering bonded thereto. Although the PTO asserts that the disclosure in Barbe implies that any material, including steel, can be used as long as it forms a flat surface, there is no teaching in Barbe that the flat surface can be metal. The reference to “flat surfaces” in Barbe is merely to provide a context in which the disclosed wallpaper applicator can be used, i.e., to require that the surface be flat so that the wallpaper applicator can be used. Moreover, Barbe teaches using a wallpaper having a preglued surface which is wetted with water. Such water-based glues are generally unsuitable for securing

wallpaper to a metal sheet because metal surfaces are not permeable and water gets trapped between the paper and the surface, inhibiting the bonding between the paper and the metal surface. Thus, Barbe cannot overcome the above-noted deficiencies of Hesser.

Since Hesser and Barbe, either alone or in combination, fail to teach or suggest the claimed invention, applicant submits that the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

The rejection of claims 2, 14, and 15 under 35 U.S.C. § 103(a) for obviousness over Hesser in view of Barbe and further in view of U.S. Patent No. 6,314,701 to Meyerson (“Meyerson”) is respectfully traversed.

As noted above, neither Hesser nor Barbe teaches or suggests a building panel of sandwich construction including a core and spaced metal sheets fixed to opposite major faces of the core, where at least one of the metal sheets has a paper covering bonded thereto, as recited in claim 1 of the present application. Therefore, claims 2, 14, and 15, which depend on claim 1, cannot have been rendered obvious over Hesser or Barbe.

Meyerson is cited for disclosing abutment surfaces extending generally perpendicular to the major faces of a building panel. However, since Meyerson does not disclose or suggest a paper covering bonded to metal sheets, it does not cure the above-noted deficiencies of Hesser and Barbe.

For this reason, the rejection of claims 2, 14, and 15 for obviousness is improper and should be withdrawn.

The rejection of claim 7 under 35 U.S.C. § 103(a) for obviousness over Hesser in view of Barbe and further in view of Meyerson is respectfully traversed.

As noted above, neither Hesser nor Barbe teaches or suggests a building panel of sandwich construction including a core and spaced metal sheets fixed to opposite major faces of the core, where at least one of the metal sheets has a paper covering bonded thereto, as recited in claim 1. Therefore, claim 7, which depends on claim 1, cannot have been rendered obvious over Hesser or Barbe.

Meyerson is cited for disclosing a snap fit connection between building panels. However, since Meyerson does not disclose or suggest a paper covering bonded to metal sheets, it does not cure the above-noted deficiencies of Hesser and Barbe.

For this reason, the rejection of claim 7 for obviousness is improper and should be withdrawn.

The rejection of claim 9 under 35 U.S.C. § 103(a) for obviousness over Hesser in view of Barbe and further in view of U.S. Patent No. 5,860,693 to Ehrlich ("Ehrlich") is respectfully traversed.

As noted above, neither Hesser nor Barbe teaches or suggests a building panel of sandwich construction including a core and spaced metal sheets fixed to opposite major faces of the core, where at least one of the metal sheets has a paper covering bonded thereto, as recited in claim 1. Therefore, claim 9, which depends on claim 1, cannot have been rendered obvious over Hesser or Barbe.

Ehrlich is cited for teaching the major surface of the panel having a recess adjacent to the edge regions. However, since Ehrlich does not disclose or suggest a paper covering bonded to metal sheets, it does not cure the above-noted deficiencies of Hesser and Barbe.

For this reason, the rejection of claim 9 for obviousness is improper and should be withdrawn.

In view of the all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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